

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PAT GODIN,)
)
Plaintiff,)
)
v.) Civil No. 1:09-cv-00077-NT
)
MACHIASPORT SCHOOL)
DEPARTMENT BOARD OF)
DIRECTORS,)
)
Defendant.

ORDER ON MOTION TO AMEND

The Plaintiff has moved the Court to amend its Findings of Fact and Conclusions of Law, make additional factual findings, and adjust its judgment. For the reasons that follow, the Plaintiff's Motion is hereby DENIED.

Federal Rule of Civil Procedure 52(b) allows the Court upon motion of a party to amend its findings of fact, make additional findings, and amend its judgment accordingly. Fed. R. Civ. P. 52(b). The Court may grant a 52(b) motion if there has been a "manifest error of law or fact," newly discovered evidence, or an intervening change of the law. *Nat'l Metal Finishing Co. v. BarclaysAmerican/Commercial, Inc.*, 899 F.2d 119, 124, 124 n.1 (1st Cir. 1990); *Darney v. Dragon Products Co., LLC*, Case No. 2:08-cv-47-GZS, 2011 WL 2007300, at *1 (D. Me. May 23, 2011).

A party who has failed to prove his strongest case is not entitled to a second opportunity to litigate a point, to present evidence that was available but not previously offered, or to advance new theories by moving to amend a particular finding of fact or a conclusion of law.

9C Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2582 (3d ed. 2010).

After a bench trial, the Court found, based on the testimony at trial and the exhibits admitted into the record, that the Plaintiff did not prove by a preponderance of the evidence that Defendant, the Machiasport School Department Board of Directors, breached its contract with Ms. Godin or deprived her of a property interest without due process of law under 42 U.S.C. § 1983. Findings of Fact and Conclusions of Law 11-17 (Doc. No. 126).

The Plaintiff's Motion does not raise any newly discovered evidence, changes in the law, or manifest errors of law or fact. The Court concludes that its Findings of Fact and Conclusions of Law are accurate and adequate.

The Plaintiff's Motion to Amend is hereby DENIED.

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 10th day of May, 2012.